

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNIE D. PELFREY JR., and JAN D.
PELFREY,

No. C 09-00902 WHA

Plaintiff,

v.

**ORDER DENYING MOTION
TO RELATE CASES**

FOSTER WHEELER LLC, GENERAL
ELECTRIC COMPANY, VIACOM INC.,
VIAD CORPORATION, and WARREN
PUMPS,

Defendants.

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Plaintiffs in this matter seek damages for injuries they allegedly sustained as a result of plaintiff Johnie D. Pelfrey, Jr.'s exposure to asbestos and asbestos-containing products. This matter was removed from Alameda County Superior Court to the Northern District of California, where it was assigned to Judge Marilyn Patel until its transfer in August 2009 to the Eastern District of Pennsylvania pursuant to the Judicial Panel on Multidistrict Litigation's order transferring asbestos cases to that district for consolidated pretrial proceedings.

Now defendants move to relate a new matter, *Pelfrey v. CBS Corporation*, C 10-01078 EMC, to this action. Civil Local Rule 3-12(a) explains that actions are related when (1) the "actions concern substantially the same parties, property, transaction or event," and (2) "[i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

1 Relating the new action to the undersigned would in no way avoid a duplication of labor
2 and expense or conflicting results, because the undersigned has done no work on the present
3 action. As noted above, it was previously assigned to Judge Marilyn Patel, and was transferred
4 to the Eastern District of Pennsylvania. It was only assigned to the undersigned for purposes of
5 deciding this motion to relate. For these reasons, it is not related to the new matter. The motion
6 to relate cases is therefore **DENIED**.

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8 **IT IS SO ORDERED.**

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10 Dated: June 14, 2010.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE